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 Jersey Boys Records Limited Partnership*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DONNA CORBELLO,

 Plaintiff

 v.

 THOMAS GAETANO DEVITO et al.,

 Defendants.

Case No. 2:08-cv-867-RCJ-PAL
**ORDER TO SEAL
 CERTAIN EXHIBITS IN SUPPORT OF
 MOTION FOR SUMMARY JUDGMENT**

Pursuant to the *Stipulated Protective Order (Doc. 94)* and the Court's *Order Regarding Sealing Requirements ("Confidentiality Order," Doc. 95)*, Defendants Jersey Boys Records Limited Partnership ("JB Records") requests leave to file under seal certain documents filed in support of its Motion for Summary Judgment (Dkt. #604, "MSJ").

POINTS & AUTHORITIES

I. INTRODUCTION

JB Records attached the following exhibits in support of its MSJ:

Exhibit 1: Excerpt of 06/30/11 Deposition Transcript of Michael David ("David Deposition").

Exhibit 2: Declaration of John Petrich ("Petrich Declaration").

Exhibit 3: Declaration of Edward Strong ("Strong Declaration"). Mr. Strong attached the following two documents to his declaration, which he identified as "Exhibits A and B," respectively:

- A. JB Records Limited Partnership Agreement; and
- B. Agreement between Rhino Entertainment Company and Jersey Boys Broadway Limited Partnership ("Rhino/Warner Agreement").

Exhibit 4: Declaration of Daniel M. Mayeda. Mr. Mayeda attached the following five documents to his declaration, which he identified as "Exhibits A, B, C, D and E":

- A. *Jersey Boys: Original Broadway Cast Recording* Compact Disk;
- B. Plaintiff's Second Supplemental Response to Marshall Brickman's First Set of Interrogatories;
- C. April 19, 2011 Order of Magistrate Judge Leen;
- D. Excerpt of Report by Plaintiff's designated expert, Richard Krevolin ("Krevolin Report Excerpts"); and
- E. United States Copyright Office Circular 34.

Of the foregoing, JB Records requests leave to file under seal only the following four documents:

- 1) David Deposition;
- 2) JB Records Limited Partnership Agreement;
- 3) Rhino/Warner Agreement; and
- 4) Krevolin Report Excerpt.

II. ARGUMENT

A. Governing Law

The Ninth Circuit recognizes that courts have the power to allow for certain documents and information to be filed under seal in connection with dispositive motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). In which case, *Kamakana* requires a showing of "compelling reasons" sufficient to outweigh the public's interest in disclosures to justify sealing records. *Id.* at 1179. "In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such 'court files might have become a vehicle for improper purposes,' such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* at 1179.

Other compelling reasons justifying sealing records exists where a party seeks to protect information concerning, among other things, "business operations, customer agreements, corporate structure, the details of... customer base and how the company works with and licenses products to its customers and measures it takes to protect its intellectual property." *Selling Source, LLC v. Red River Ventures, LLC* 2011 WL 1630338, *6 (D. Nev. 2011). When court records concern such information, "the public's interest in understanding the judicial process is outweighed by the possibility that disclosure of these materials could reasonably result in infringement of the trade secrets." *Id.* (citing *Dish Network L.L. C. v. Sonicview USA, Inc.*, 2009 WL 2224596, *7 (S.D. Cal. 2009)). Precisely the same compelling reasons are found here with respect to the documents which JB Records requests to seal.

B. There Are Compelling Reasons Justifying Sealing Records Because The Documents Which JB Records Requests To Seal Concern Business Operations, Customer Agreements, Corporate Structure, The Details Of Customer Base, And How The Company Works And Licenses Products

JB Records requests to seal the JB Records Limited Partnership Agreement because it concerns JB Records' corporate structure, information about its business operations and how the

1 company works, and contains the Social Security number of a limited partner. The
 2 Rhino/Warner Agreement contains information about how Jersey Boys Broadway Limited
 3 Partnership licenses its products and rights to customers or business partners and the division and
 4 distribution of royalties. The deposition excerpt of Michael David contains testimony about the
 5 Rhino/Warner Agreement, the JB Records Limited Partnership Agreement and JB Records'
 6 corporate structure, business operations and identity of its private investors (who are not parties
 7 to the action). Finally, JB Records requests to seal the Krevolin Report Excerpt out of an
 8 abundance of caution because JB Records reasonably believes that Plaintiff considers such report
 9 to be confidential because it discusses the contents of the non-published autobiography of
 10 Tommy DeVito that is at issue in this action.¹

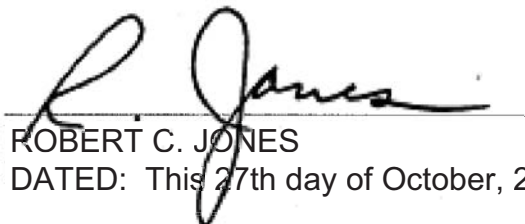
12 CONCLUSION

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 14 The Court should grant JB Records' motion. As foregoing demonstrates, JB Records has
 15 made a particularized showing of harm and compelling reasons justifying sealing the requested
 16 documents.

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23 IT IS SO ORDERED

24 
 25 ROBERT C. JONES
 26 DATED: This 27th day of October, 2011.

27
 28 ¹ If the Plaintiff does in fact consider the Krevolin Report Excerpt to be confidential, she may independently provide the Court with additional compelling reasons.